

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Benson et al.

Serial No.: To be assigned

Filed: September 5, 2003

For: **ASYMMETRIC BENZOXANTHENE
DYES**

Group Art Unit: To be assigned

Examiner: To be assigned

CERTIFICATION UNDER 37 CFR 1.10

Express Mail Number EL 897 623 498 US

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

September 5, 2003
(Date of Deposit)

Deji Inocencio
Name of Depositing Party

Deji Inocencio
Signature of Depositing Party

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants submit herewith patents, publications or other information (listed on the attached Form PTO-1449) of which they are aware, which may be material to the examination of this application and in respect of which there may be a duty to disclose in accordance with 37 CFR §1.56.

This Information Disclosure Statement:

- (a) ☒ [X] accompanies a new patent application submitted herewith.
- (b) ☐ [] is filed within three months after the filing date of the application or within three months after the date of entry of the national stage of a PCT application as set forth in 37 CFR §1.491.
- (c) ☐ [] as far as is known to the undersigned, is filed before the mailing date of a first Office action on the merits.

- (d) ☐ as far as is known to the undersigned, is filed before the mailing date of a first Office action after the filing of a request for continued examination under § 1.114.
- (e) ☐ is filed after the first Office Action and more than three months after the application's filing date or PCT national stage date of entry filing but, as far as is known to the undersigned, prior to the mailing date of either a final action under § 1.113, a notice of allowance under § 1.311, whichever occurs first, and is accompanied by either the fee (\$180) set forth in 37 CFR § 1.17(p) or a certification as specified in 37 CFR § 1.97(e), as checked below. Should any fee be due, the U.S. Patent and Trademark Office is hereby authorized to charge Deposit Account No. 01-2213 in the amount of \$180.00 to cover the cost of this Information Disclosure Statement. Any deficiency or overpayment should be charged or credited to this deposit account. **A duplicate of this sheet is enclosed.**
- (f) ☐ is filed after the mailing date of either a final rejection or a notice of allowance, but on or before the payment of the issue fee, and is accompanied by the fee (\$180) set forth in 37 CFR § 1.17(i)(1) **and** a certification as specified in 37 CFR § 1.97(e), as checked below. **This document is to be considered as a petition requesting consideration of the information disclosure statement.** The U.S. Patent and Trademark Office is hereby authorized to charge Deposit Account No. 01-2213 in the amount of \$180.00 to cover the cost of this Information Disclosure Statement. Any deficiency or overpayment should be charged or credited to this deposit account. **A duplicate of this sheet is enclosed.**

[If either of boxes (e) or (f) is checked above, the following "certification" under 37 CFR § 1.97(e) may need to be completed.] The undersigned certifies that:

- ☐ Each item of information contained in the information disclosure statement was first cited in a communication mailed from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement.
- ☐ No item of information contained in this information disclosure statement was cited in a communication mailed from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, was known to any individual designated in 37 CFR § 1.56(c) more than three months prior to the filing of this information disclosure statement.

A copy of the items on PTO-1449 is supplied herewith:

☐ each ☒ none ☐ only those listed below:

Those patent(s) or publication(s) listed in the attached PTO-1449 form are not supplied because they were previously cited by or submitted to the Office in a prior application Serial Nos. 08/626,085, filed April 1, 1996; 08/824,102, filed March 26, 1997; and 09/495,111, filed February 1, 2000, 09/976,842; filed October 11, 2001, all of which are relied upon in this application for an earlier filing date under 35 USC §120.

While the information and references disclosed in this Information Disclosure Statement may be "material" pursuant to 37 CFR §1.56, it is not intended to constitute an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

In accordance with 37 CFR §1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR §1.56(a) exists. It is submitted that the Information Disclosure Statement is in compliance with 37 CFR §1.98 and MPEP §609 and the Examiner is respectfully requested to consider the listed references.

Respectfully submitted,

Date: September 5, 2003



Vincent P. Liptak, Reg. No. 53,225
Agent for Applicants

Correspondence Address
Customer Number 22896
Applied Biosystems Division
850 Lincoln Centre Drive
Foster City, CA 94404
(650) 638-6895 (Phone)
(650) 638-6677 (Fax)

Please type a plus sign (+) inside this box. ➡ ☐

Substitute for form 1449A/PTO			Complete if Known		
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)			Applicant Number	To be assigned	
			Filing Date	September 5, 2003	
			First Named Inventor	Scott C. Benson	
			Group Art Unit	To be assigned	
			Examiner Name	To be assigned	
Sheet	1	of	3	Attorney Docket No.	4299C3

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY
		Number	Kind Code ² (if known)		
	01	3,997,561		Seki et al.	12/14/1976
	02	4,318,846		Khanna et al.	03/09/1982
	03	4,757,141		Fung et al.	07/12/1988
	04	4,933,471		Lee	06/12/1990
	05	4,945,171		Haugland et al.	07/31/1990
	06	5,066,580		Lee	11/19/1991
	07	5,093,232		Urdea et al.	03/03/1992
	08	5,188,934		Menchen et al.	02/23/1993
	09	5,212,304		Fung et al.	05/18/1993
	10	5,231,191		Woo et al.	07/27/1993
	11	5,366,860		Bergot et al.	11/22/1994

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear
		Office ³	Number ⁴			
	12	DE	84 990 C	Farbenfabriken vorm. Friedr. Bayer & Co.	02/10/1895	
	13	DE	290 508 C	J.R. Geigy Ag.	06/12/1915	
	14	EP	0 061 746	University Patents, Inc.	06/10/1982	
	15	FR	2 556 726	California Institute of Technology	12/19/1984	
	16	EP	0 233 053	Applied Biosystems, Inc.	08/19/1987	
	17	EP	0 251 786	E.I DuPont De Nemours and Company	01/07/1988	
	18	EP	0 252 683	E.I DuPont De Nemours and Company	01/13/1988	

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language translation is attached.

Burden Hour Statement. This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231. 58566.1

Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)				Complete if Known	
				Applicant Number	To be assigned
				Filing Date	September 5, 2003
				First Name and Inventor	Scott C. Benson
				Group Art Unit	To be assigned
Sheet	2	of	3	Examiner Name	To be assigned
				Attorney Docket No.	4299C3

19	WO	91/05060	Applied Biosystems, Inc.	04/18/1991		
20	WO	91/07507	Applied Biosystems, Inc.	05/30/1991		
21	JP	4-118661	Mitsui Toatsu Chem. Inc.	04/20/1992		
22	JP	5-500860	Applied Biosystems, Inc.	02/18/1993		
23	WO	94/05688	Applied Biosystems, Inc.	03/17/1994		
24	EP	0 617 047	Applied Biosystems, Inc.	09/28/1994		

OTHER ART - NON PATENT LITERATURE DOCUMENTS						
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.				T ²
	25	Bisanz et al., "Orientation in the Friedel-Crafts Acylation of α - and β -naphthol Derivatives. II. Reactions of 2-methylnaphthoresorcinol with Benzoyl Chloride Without a Catalyst and in the Presence of ZnCl ₂ ," <i>Rocz. Chem.</i> 41(5):803-814, Politech. Warszawa, Warsaw, Poland, CODEN:ROCHAC, Journal written in Polish, CAN 69:96313 (Abstract Only).				
	26	Crossfire Database, Beildtstein Informationssysteme GmbH, brn=3501684, XP002037261, excerpt from Inoue et al., "Yuki Gossei Kagaku Kyokaaishi," <i>Journal</i> 17:714 Osaka, Japan (1959).				
	27	Fluka, Chemika-Biochemika Catalog, CH-9470 Buchs/Switzerland, page 942 (1993).				

Examiner Signature	Date Considered
--------------------	-----------------

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST. 3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. *Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231. 58968_1

